



BOARD OF CORRECTION THE CITY OF NEW YORK

BOROUGH-BASED JAILS PROGRESS REPORT¹ **SEPTEMBER 28, 2023**

Introduction

The Board of Correction

The New York City Board of Correction (“BOC” or “the Board”) is a non-mayoral, independent City agency created under the New York City Charter, Chapter 25 §626(c). The Board establishes and monitors compliance with minimum standards on basic conditions of confinement, medical and mental health care, eliminating sexual abuse, and restrictive housing, which are codified under Title 40 of the Rules of the City of New York and apply to all City correctional facilities (the “Minimum Standards”). In addition, BOC investigates serious incidents, including deaths of persons in custody, evaluates the performance of the New York City Department of Correction (“DOC” or “the Department”), and makes recommendations in critical areas of correctional planning.

Background

In February 2016, then-New York City Council Speaker Melissa Mark-Viverito announced the formation of the Independent Commission on New York City Criminal Justice and Incarceration Reform, led by the former New York State Chief Judge Jonathan Lippman (“the Lippman Commission”). Thereafter, in March 2017, then-Mayor Bill de Blasio announced, alongside Speaker Mark-Viverito, their commitment to closing Rikers Island. This announcement came on the eve of the release of the Lippman Commission’s Report, “Smaller, Safer, Fairer: The Roadmap to Closing Rikers Island,” which recommended that New York City reduce its jail population significantly and that Rikers Island be closed and permanently replaced by a system of smaller and safer borough-based jails.

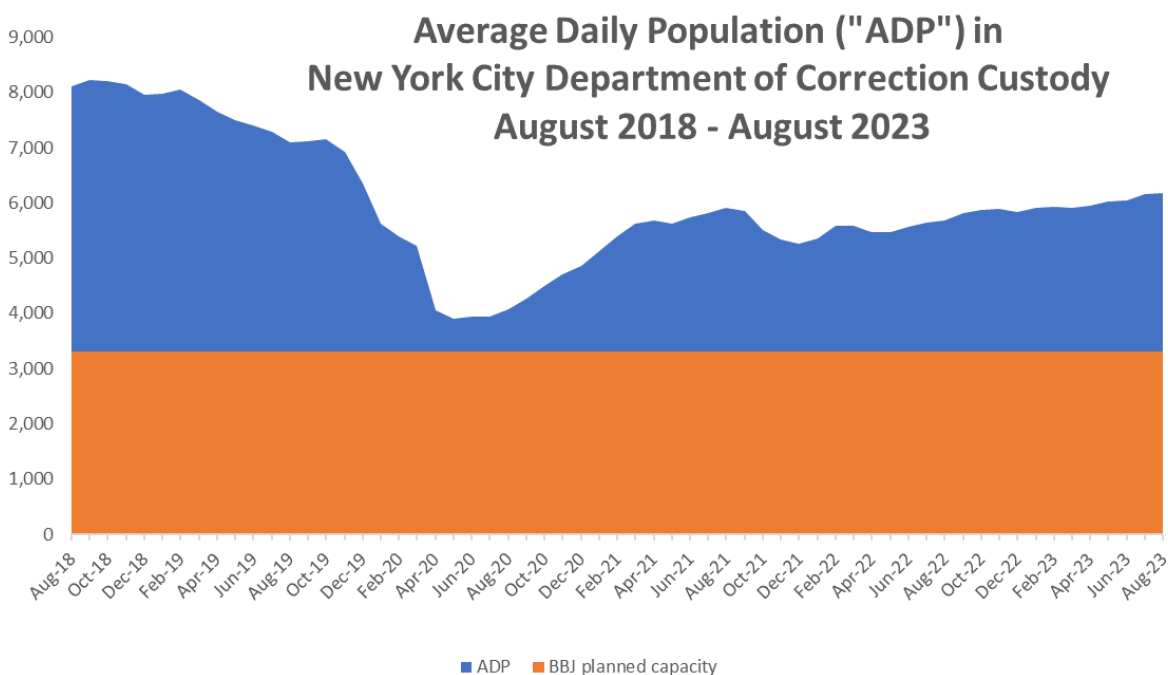
In October 2019, the New York City Council approved a plan to close Rikers Island and to replace it with four new borough-based jails—in Manhattan, Brooklyn, Queens, and in the

¹ This report was prepared by Chai Park Messina, Deputy Executive Director of Monitoring and Research.

Bronx.² Thereafter, in October 2020, the City approved zoning laws that essentially prohibit jails from operating on Rikers Island after August 31, 2027, and, in February 2021, passed the Renewable Rikers Act, effectively barring the City from incarcerating anyone on Rikers Island after August 31, 2027. The Renewable Rikers Act also mandates the phased transfer every six months of inactive land or buildings on Rikers Island from DOC to the Department of Citywide Administrative Services (“DCAS”).³

Jail Population

The Average Daily Population (“ADP”) in August 2023 was approximately 6,200—nearly double the borough-based jail plan’s capacity of 3,300 people. Moreover, the ADP in August 2023 is part of a steady uptick in the jail population since a low of 3,909 in May 2020.



Jail Closures and Jails Currently in Operation and Housing People

Since the City of New York formally committed to closing Rikers Island, DOC ceased housing people in custody at the George Motchan Detention Center (“GMDC”) on Rikers Island, and permanently closed Brooklyn Detention Complex (“BKDC”), Manhattan Detention Complex (“MDC”), and the Queens Detention Complex (“QDC”). In addition, by early August 2023, DOC completed transferring all people in custody housed at the Anna M. Kross Center (“AMKC”) to

² Also in 2019, the City Council passed legislation—Local Law 192 for the year 2019—requiring the Board of Correction to publish semi-annual reports on the impact of closing jails on Rikers Island and constructing new facilities to replace them on: (1) people in custody, and (2) on the Department’s and Correctional Health Service’s compliance with the Minimum Standards.

³ In July 2021, DOC transferred control of the long-closed James A. Thomas Center (“JATC”) to DCAS, and, in December 2021, 43 acres of unused or vacant land to DCAS.

other jails, including the Otis Bantum Correctional Center (“OBCC”)—a facility that ceased housing people in custody in June 2022 but was reopened in late July 2023 and now houses nearly one-fifth of all people in DOC custody. At this juncture, it is unclear whether DOC intends to reopen AMKC in the future.

Currently, the Department operates seven (7) jails on Rikers Island housing people in custody: the Eric M. Taylor Center (“EMTC”), George R. Vierno Center (“GRVC”), North Infirmiry Command (“NIC”), OBCC, Robert N. Davoren Center (“RNDC”), Rose M. Singer Center (“RMSC”), and West Facility (“WF”). The Department also operates a jail barge, the Vernon C. Bain Center (“VCBC”), that is docked to the South Bronx.⁴

Borough-Based Jails Quarterly Briefings and Plans

The Borough-Based Jails Team at DOC, led by Executive Director of Strategic Initiatives-Borough-Based Jails Alexandria Maldonado and Lead Project Manager Caroline McKee, has provided BOC with regular quarterly briefings, most recently on March 16, 2023 and July 19, 2023. The next briefings are scheduled for October 2 and October 6, 2023.

Through those briefings and in communications with DOC staff, Board staff endeavor to ensure that the City accounts for the Minimum Standards across its full plan for the borough-based jails. To that end, Board staff sought and received clarity from DOC on wide-ranging matters, including whether there will be an infirmary and contagious diseases unit in each jail,⁵ the general location of the recreation yards, and whether the recreation yards will be outdoors.⁶

Current Status of Design and Construction of Borough Jails⁷

According to DOC, construction of the four new borough-based jails has not commenced. Currently, contractors are still in the process of dismantling the existing former jail structures in Brooklyn, Queens, and Manhattan, where the new jails will be built. In contrast, because the Bronx jail will be built on a former impound lot, that site requires only site preparation.

Of the four borough jails, the Brooklyn jail was the first for which the New York City Department of Design and Construction awarded a design-build contract. The Brooklyn facility is still very early in the first design phase, and construction of the facility is expected to be completed in 2029.⁸ At least as of July 19, 2023, the remaining three borough jails were still in the procurement phase of the project.

Conclusion

The Board of Correction supports the City’s plan to close Rikers Island by August 31, 2027, and replace it with four borough jails that are smaller, safer, and more humane. Conditions are

⁴ The Department recently announced its plans to cease operations at VCBC by October 2023.

⁵ DOC staff responded that there will be an infirmary and contagious diseases unit in each jail.

⁶ DOC staff told Board staff that there will be an outdoor recreation space located at each housing unit.

⁷ The information in this section of the report comes from DOC’s quarterly briefing to BOC staff on July 19, 2023.

⁸ Board staff recently requested from DOC the design plans for the Brooklyn facility. Staff will review those plans and provide feedback upon receipt.

dire on Rikers Island and change is needed soon. We are encouraged by the City's progress in reducing the jail population from nearly 11,000 in 2017 to less than 6,200 in August 2023. However, we strongly urge all stakeholders to recommit to reducing the jail population safely, to less than half of the current population, which would bring it below the borough-based jails plan's maximum capacity of 3,300 people. In the meantime, BOC will continue to seek opportunities to be involved in the design of the new borough jails, to ensure that the City accounts for the Minimum Standards across its full plan.